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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,212	01/21/2004	Kia Silverbrook	MPA11US	1348
24011	7590	11/15/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			GOLDBERG, BRIAN J	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/760,212	SILVERBROOK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian Goldberg	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/3/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Drawings***

1. The drawings are objected to because Figure 17C is referenced in the specification on page 13 line 3, page 14 line 22, page 17 line 9, page 18 line 24, and page 22 line 1. This was already brought to your attention in the Pre-Exam Formalities Notice mailed 4/23/2004. Also, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: fluid distribution stack 500, and possibly others. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: It is not fully clear from the specification what is meant by "fluid distribution member", since this phrasing is not used within the body of the specification. Also, it is not clear what "respective ones" is referring to in the second to last line of the claim. Appropriate correction is required.
3. Claims 3 and 5 are objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 recites the limitation "the interconnected capping member and printhead module" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 5 recites the limitation "the fluid distribution members" in the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim, since it is only referred to in the singular as "at least one fluid distribution member" prior to this reference.
4. Claim 4 is objected to because of the following informalities: The claim cannot depend upon itself. Appropriate correction is required.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

Art Unit: 2861

1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 10/760,246 in view of Milan. The copending application discloses the claimed invention except a "capping member...arranged to cap each of the female and male end portions." Milan teaches a capping member to cap the end portions (see Figs 1 and 3). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a cap for the end portions. One would have been motivated to so modify copending Application No. 10/760,246 for the benefit of protecting the electronics within the module by keeping out foreign matter.

This is a provisional obviousness-type double patenting rejection.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverbrook et al. (US 6439908).

9. Regarding claim 1, Silverbrook et al. disclose "at least one printhead module (10 of Fig 2) comprising at least two printhead integrated circuits (18 of Fig 4), each of which has nozzles formed therein for delivering printing fluid onto the surface of print media (col 3 ln 45-47), and a support member (28 of Fig 8) supporting and carrying the printing fluid for the at least two printhead integrated circuits; a casing (14 of Fig 3) in which the at least one printhead module is removably mounted; and a capping member (floor 34, col 2 ln 41-44) capping a terminal end of the support member (28 of Fig 11) of the at least one printhead module."

10. Regarding claim 5, Silverbrook et al. disclose "the at least one printhead module (10 of Fig 2) is formed as a unitary arrangement of the at least two printhead integrated circuits (18 of Fig 4), the support member (16 of Fig 7), at least one fluid distribution member (26 of Fig 7) mounting the at least two printhead integrated circuits to the support member, and an electrical connector (48, 22 of Fig 8) for connecting electrical signals to the at least two printhead integrated circuits (col 3 ln 59-65); and the support member has at least one longitudinally extending channel (80 of Fig 7) for carrying the printing fluid for the printhead integrated circuits and includes a plurality of apertures (42 of Fig 7) extending through a wall of the support member arranged so as to direct the printing fluid from the at least one channel to associated nozzles in both, or if more than two, all of the printhead integrated circuits by way of respective ones of the fluid distribution members (see Fig 7 and col 3 ln 45-47)."

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook et al. in view of Milan. Silverbrook et al. disclose the claimed invention as set forth above with respect to claim 1. Thus Silverbrook et al. disclose the claimed invention except "complementary female and male end portions; and the capping member is arranged to cap each of the female and male end portions."

13. Milan teaches having "complementary female and male end portions" to connect a modular assembly and a capping member to cap the end portions (see Figs 1 and 3). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide female and male end portions and caps for the end portions. One would have been motivated to so modify Silverbrook et al. for the benefit of providing a module that more easily assembles and disassembles in a non-permanent manner while maintaining a sturdy and secure protected connection.

14. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook et al. in view of Milan as applied to claim 2 above, and further in view of Spivey. Silverbrook et al. in view of Milan disclose the claimed invention as set forth above with respect to claim 2. Thus Silverbrook et al. in view of Milan meet the claimed

Art Unit: 2861

invention except "wherein a sealing adhesive is provided" and "wherein the sealing adhesive is an epoxy."

15. Spivey teaches providing a sealing adhesive (66 of Fig 4) and "wherein the sealing adhesive is an epoxy (col 5 ln 3)." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide an epoxy sealing adhesive. One would have been motivated to so modify Silverbrook et al. in view of Milan for the benefit of obtaining a more secure seal between the capping member and module.

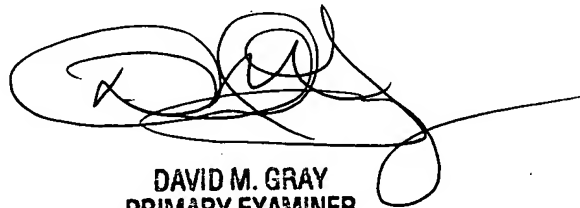
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goldberg whose telephone number is 571-272-2728. The examiner can normally be reached on Monday through Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJG



DAVID M. GRAY  
PRIMARY EXAMINER